

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2011-158694-003 DT

05/16/2012

JUDGE ROBERT E. MILES

CLERK OF THE COURT

T. Pavia

Deputy

STATE OF ARIZONA

STEVEN M BONAGUIDI

v.

VICTOR ALFONSO FLORIANO-MACIAS (003) ZUBAIR ASLAMY

DOB: 06/04/1988

APO-SENTENCINGS-CCC

APPEALS-CCC

AZ DOC

CITS - CCC SPANISH

DISPOSITION CLERK-CSC

RFR

US IMMIGRATION AND CUSTOMS

ENFORCEMENT

SENTENCE - IMPRISONMENT AND PROBATION

State's Attorney: Kristin Nordeen/Steven M. Bonaguidi

Defendant's Attorney: Zubair Aslami

Defendant: Present

Interpreter: Noemi Villar

Court Reporter: Melody O'Donnell

9:50 a.m. This is the time set for Sentencing. Based on discussion held with counsel,

10:00 a.m. Court stands at recess for assigned State's counsel to be present.

10:05 a.m. Court reconvenes with Defendant present with counsel. State is represented by Steven M. Bonaguidi.

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Court Interpreter, Noemi Villar, is present.

Court Reporter, Melody O'Donnell, is present.

Sentencing proceeds:

Count(s) Counts 1 and 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (Amended) Theft
Class 6 felony
A.R.S. § 13-1802, 1801, 610, 701, 702 and 801
Date of Offense: 11/16/2011
Non Dangerous - Non Repetitive

pipe)
OFFENSE: Count 3 (Amended) Possession of Drug Paraphernalia (Methamphetamine
Class 6 felony
A.R.S. § 13-3401, 3407, 3415, 3418, 610, 701, 702, 801 and 901.01(H)(4)
Date of Offense: 11/17/2011
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: Nine (9) month(s) from May 16, 2012
Presentence Incarceration Credit: 181 day(s)

Less Than Presumptive

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 3.

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

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The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 3 Probation Term: Two (2) Years

Upon absolute discharge from prison for a separate offense in Count 1.

Conditions of probation include the following:

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$65.00 per month.

FINE: Count 3 - Total amount of \$1,840.00, which includes surcharges of 84%, payable \$100.00 per month.

PROBATION SURCHARGE: Count 3 - \$20.00.

Count 3: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 3 - \$13.00.

Investigative Agency: Phoenix Police Department

Payment to commence on October 1, 2012 and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

The Court will retain jurisdiction over restitution. A restitution hearing is set for July 18, 2012 at 9:00 a.m. (1 hour) before Judge Robert Miles. Defendant waives his/her presence. A Court Interpreter will be needed at that hearing.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

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Condition 16 - Not consume or possess any substances containing alcohol.

Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 22: Other - Substance abuse treatment and monitoring as directed by APO.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion To Dismiss the following: Count 2; allegation of multiple offenses not committed on the same occasion.

Count(s) 1: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 3: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The Court has been informed that defendant was born in Mexico. In addition, the Court has been presented with sufficient evidence that defendant has been identified by federal authorities or a 287(g) officer as a person who is unlawfully present in the United States. Pursuant to A.R.S. § 11-1051(C) and Supreme Court Administrative Order 2010-91, the clerk shall send a copy of this order to the United States Immigrations and Customs Enforcement.

10:25 a.m. Matter concludes.

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ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ JUDGE ROBERT E. MILES
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)